



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

81

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,706	11/06/2000	Robert J Briscoe	36-1384	3584

7590 10/22/2002

Nixon & Vanderhye  
1100 North Glebe Road 8th Floor  
Arlington, VA 22201-4714

EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/67706	Briscote
Examiner	Albers, G.	Group Art Unit 3624

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

Responsive to communication(s) filed on 11/6/06

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 1-39 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-39 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

Art Unit: 3624

## **DETAILED ACTION**

1. Claims 1-39 have been examined.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-39 are rejected under 35 USC 103(a) as unpatentable over Takeuchi(US Pat. No: 5,978,456) in view of Dent(US Pat. No: 6,098,878).

4. As per claims 1-39 Takeuchi teaches a method of operating a communications network comprising measuring at each of a plurality of customer terminals usage by the respective terminal of network resources(Abstract)(Fig 1)(Fig 2) and subsequently calculating a network usage charge from the measurement data(Fig 3)(Fig 4). Takeuchi further teaches aggregating and storing measurement data(Fig 13)(Fig 14)(Fig 15)(Fig 16)(col 4 line 57-col 5 line 8) as well as communicating measurement data to a system remote from the customer terminal(col 5 lines 14-33) as well as routing data and communication through multiple network domains(col 7 line 60-col 8 line 23) as well as passing data packets through routers(Fig 5)(Fig 10)(Fig 11). Dent also teaches operating a federated data communications network characterized by measuring at each of a plurality of customer terminals connected to the said network usage and calculating a service

Art Unit: 3624

charge from measurement data(Abstract)(Fig 1)(Fig 2)(Fig 3)(Fig 4). Dent teaches communicating a tariff to each of the customer terminals(Fig 8/805)(Fig 9/905) as well as packet data and frame relay systems for different classes of service(col 4 lines 9-21)(col 6 lines 4-7) as well as clearing through a third party smart card(col 6 lines 38-53)(Fig 8). It would have been obvious to one skilled in the art at the time of the invention to combine Takeuchi in view of Dent to teach the above. The motivation to combine is to teach a system and method for controlling expenses incurred by communications terminals as enunciated by Dent(col 1 lines 64-67).

*Conclusion*

**5. THIS ACTION IS MADE NON-FINAL.**

\*\*\*\*\*

6. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA  
October 17, 2002